

### REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated June 4, 2003 (Paper No. 20). Upon entry of this Amendment, claims 1-9, 11-22 and 24-39 will remain pending in this application. The amendments to claims 1 and 7 are supported by throughout the specification, for example, at page 15, line 24 through page 16, line 5. No new matter is incorporated by this Amendment.

The Action required election of one of the following Groups:

Group I, claims 1-25 and 31-39 drawn to a reagent (Applicants note that claims 10 and 23 were previously cancelled);

Group II, claims 1, 26, and 27 drawn to a method of diagnosis or treatment; and

Group III, claims 28-39 drawn to a kit.

Applicants hereby elect Group I for prosecution in this application.

In addition, the Action required election of one sub-specie from each of the following species:

- |                                   |  |
|-----------------------------------|--|
| 1) an affinity ligand;            | 2) a trifunctional cross-linking moiety; |
| 3) a biomolecule reactive moiety; | 4) an effector agent; and                |
| 5) an optional linker 1-3.        |  |

Applicants hereby elect :

- |                         |                      |
|-------------------------|----------------------|
| 1) biotin;              | 2) dicarboxyaniline; |
| 3) aryl isothiocyanate; | 4) Y-90/DOTA; and    |
| 5) trioxadamine.        |                      |

Applicants' election is made with traverse for the reasons set out below.

Applicants respectfully request that all of the claims be re-joined and examined with the claims of Group I. A search for the claims in the remaining Groups would not be substantially burdensome after a search for the claims in Group I. Evidence of this is shown by the fact that all of the claims were previously searched and considered together by the current Examiner prior to the filing of the RCE.

A search for the subject matter in Group I is inextricably intertwined with the subject matter in the claims of the other Groups and species. Any search for the claims in Group I will necessarily yield the relevant art for consideration and examination of the claims in the other Groups. Hence an extension of the search required for Group I to all the remaining claims would not be overly burdensome. See MPEP 804.

Accordingly, the basis for Restriction is not adequately established; a search for all the claims is not burdensome; and maintaining this Restriction Requirement will impose undue expense on Applicants in prosecuting multiple applications, otherwise examinable together according to U.S. PTO Patent Examining Procedure. In addition, maintaining this Restriction Requirement may result in undue delay in issue of some claims in this Application, resulting in a significant loss in Patent Term to Applicants.

Reconsideration and Rejoinder of all the claims is respectfully requested prior to examination on the merits. This Election is made with traverse, and solely for compliance under 37 CFR § 1.143 in order to preserve pendency in this application.

If any fees under 37 CFR §§1.16 or 1.17 are due in this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033700.003. If an extension of time under 37 CFR §1.136 is necessary and not included herewith, such an extension is

requested. The extension fee should be charged to Deposit Account No. 02-4300; Order  
No. 033700.003.

Respectfully submitted,

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By:

  


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RGW/BLN